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6 Counsel for Timothy W. Hoffman  
Trustee in Bankruptcy

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8 UNITED STATES BANKRUPTCY COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SANTA ROSA DIVISION

11 In re GERARD Q. DECKER, IV aka ROD  
DECKER,

Case No. 09-10655 AJ  
Chapter 7

12  
13 Debtor.  
14

15 **MOTION FOR ORDER AUTHORIZING SALE OF BOAT AND**  
16 **PAYMENT TO AUCTIONEER**

17 Timothy W. Hoffman, Trustee in Bankruptcy of the estate of the above Debtor, hereby  
18 moves the Court for an order authorizing him to sell at auction the 33-foot Sea Ray sail boat  
19 owned by the estate. The Trustee has employed West Auctions, LLC, as his auctioneer. The  
20 Debtor has claimed a \$17,225 "wildcard" exemption in the boat thereby reserving that sum for  
21 himself under Section 703.140(b)(5) of the California Code of Civil Procedure. The Trustee had  
22 no grounds on which to challenge the claim of exemption.

23 The Trustee has given the Debtor a period of more than six months in which to make an  
24 offer to purchase the "non-exempt" equity in the boat. Although promises have been made that  
25 such an offer would be forthcoming, none has been received and the Trustee has concluded that he  
26 must sell the boat and pay the Debtor's exemption from the net sale proceeds. As a direct result of  
27 the Debtor's inability to make an offer, the Trustee has engaged his auctioneer to sell the boat.  
28 The auctioneer charges, and the Trustee intends to pay, a 12 percent commission calculated on the

1 gross sale price (exclusive of sales tax) plus reasonable and necessary expenses.

2 If, after receipt of this notice, the Debtor attempts to purchase the non-exempt equity in the  
3 boat, he will be required to participate in the auction.

4 The auction will take place on-line between April 20, 2010, and April 22, 2010. Details of  
5 the auction are available at [www.westauction.com](http://www.westauction.com). Anyone who wishes to inspect the boat or  
6 obtain more information about the auction should visit the auctioneer's website at  
7 [www.westauction.com](http://www.westauction.com).

8 WHEREFORE the Trustee moves the Court for an order authorizing the sale described in  
9 his March 5, 2010, notice to creditors.

10  
11 DATED: March 5, 2010

LUCE, FORWARD, HAMILTON & SCRIPPS LLP

12  
13 By: 

14 Charles P. Maher  
15 Counsel for Timothy W. Hoffman, Trustee

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